

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDWIN ZAYAS et al., :
Plaintiffs, : 24-CV-4401 (JMF)
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-v- :
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THE NEW YORK CITY DEPARTMENT OF
EDUCATION, :
:-----

Defendants. :
:-----X

CLAUDIA RIVAS, :
Plaintiff, : 24-CV-4804 (JMF)
:-----
-v- :
:-----

DAVID C. BANKS et al., :
:-----

Defendants. :
:-----X

JESSE M. FURMAN, United States District Judge:

Plaintiffs in the above-captioned actions seek orders remanding the matters to their respective State Review Officers (“SROs”) with directions to adjudicate Plaintiffs’ appeals from their respective Decisions after Remand (“DARs”), which were issued following the undersigned’s Opinion and Order in *Davis v. Banks*, No. 22-CV-8184 (JMF) (ECF No. 59).

As discussed on the record at today’s teleconference, with all parties’ consent, the Court GRANTS the relief sought by Plaintiffs in both actions, to wit: The cases are hereby REMANDED to the respective SROs for adjudication of Plaintiffs’ appeals. The Court did not

intend in its earlier Order to suggest, let alone hold, that it retained exclusive jurisdiction over the matters or to otherwise preclude appeals to the SROs in the normal course. To the extent the SROs read the Court's Orders to deprive them of jurisdiction to entertain Plaintiffs' appeals, the Court clarifies that its Order did not do so.

Needless to say, this Order is without prejudice to any request for judicial review, if appropriate, after the ordinary state appeal process has run its course. Any such new action should be marked as related to *Davis* in accordance with the Court's Local Rules.

The Clerk of Court is directed to enter judgment REMANDING these matters to their respective SROs and to close both of the above-captioned actions.

SO ORDERED.

Dated: September 25, 2024
New York, New York



JESSE M. FURMAN
United States District Judge